

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

UNITED STATES OF AMERICA,)	CASE NO. 1:19 CR 170
)	
Plaintiff)	JUDGE SOLOMON OLIVER, JR.
)	
v.)	ORDER ACCEPTING PLEA
)	AGREEMENT, JUDGMENT AND
DARNELL EMORY,)	REFERRAL TO U.S. PROBATION
)	<u>OFFICE</u>
Defendant)	

This case is before the Court on a Report and Recommendation filed by United States Magistrate Judge David A. Ruiz, regarding the change of plea hearing of Darnell Emory, which was referred to the Magistrate Judge with the consent of the parties.

On March 27, 2019, the government filed a 3 count Indictment, charging Defendant Emory, with Possession with Intent to Distribute Cocaine, in violation of 21 U.S.C. § 841(a)(1) and (b)(1)(B), Possessing a Firearm in Furtherance of a Drug Trafficking Crime, in violation of 18 U.S.C. § 924(c)(1)(A)(I), and Felon in Possession of a Firearm and Ammunition, in violation of 18 U.S.C. § (g)(1). Defendant was arraigned on April 16, 2019, and entered a plea of not guilty to counts 1, 2 and 3 of the Indictment, before Magistrate Judge Ruiz. On January 6, 2020 Magistrate Judge Ruiz received Defendant Emory's plea of guilty to counts 1, 2 and 3 of the Indictment, and issued a Report and Recommendation ("R&R"), concerning whether the plea should be accepted and a finding of guilty entered.

Neither party submitted objections to the Magistrate Judge's R&R in the fourteen days after it was issued.

On de novo review of the record, the Magistrate Judge's R&R is adopted. Defendant

Emory is found to be competent to enter a plea and to understand his constitutional rights. He is aware of the charges and of the consequences of entering a plea. There is an adequate factual basis for the plea. The court finds the plea was entered knowingly, intelligently, and voluntarily. The plea agreement is approved.

Therefore, Defendant Darnell Emory is adjudged guilty to counts 1, 2 and 3 of the Indictment, in violation of Title 21 U. S. C. § 841(a)(1) and (b)(1)(B), 18 U.S.C. § 924(c)(1)(A)(I), and 18 U.S.C. 922(g)(1). This matter was referred to the U. S. Probation Department for the completion of a pre-sentence investigation and report. Sentencing will be on April 27, 2020, at 2:00 p.m. in Courtroom 17A, Carl B. Stokes United States Court House, 801 West Superior Avenue, Cleveland, Ohio.

IT IS SO ORDERED.

/s/SOLOMON OLIVER, JR.
UNITED STATES DISTRICT JUDGE

February 4, 2020